

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

STOLTHAVEN NEW ORLEANS LLC

**PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT**

LA. R.S. 30:2001, ET SEQ

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Enforcement Tracking Nos.

AE-CN-02-0283

WE-CN-03-0352

RMPE-03-0027

Agency Interest No. 87738

SETTLEMENT

The following Settlement is hereby agreed to between Stolthaven New Orleans LLC (“Respondent”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”).

I.

Respondent is a corporation that operates Stolthaven New Orleans Terminal, a bulk liquid storage facility located at 2444 English Turn Road in Braithwaite, Plaquemines Parish, Louisiana (“the Facility”).

II.

On February 10, 2003, the Department issued a Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. AE-CN-02-0283, to Respondent, based upon the following findings of fact:

The Respondent operates New Orleans Terminal, a bulk liquid storage facility located in Braithwaite, Plaquemines Parish, Louisiana (“the Facility”). The facility operated under Permit No. 2240-00304-V1 issued on September 17, 2001. The facility currently operates under Permit No. 2240-00304-V2 issued on January 31, 2003.

On or about November 22, 2002, the Respondent met with the Department. The meeting was held to discuss Respondent's discovery that, due to employee non-feasance, it failed to submit reports required by Air Permits Nos. 2240-00304-V0 and 2240-00304-V1 and Air Quality Regulations. Supplemental information was provided to the Department by Respondent in a letter dated December 5, 2002. On or about December 23, 2002, the Department conducted a file review of the Facility to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and Air Quality Regulations. On or about February 20, 2003, the Department issued Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-02-0283.

The following were noted during the course of the Department's file review and/or the Department's investigation of Respondent's report, and were set forth in CCO-NOPP No. AE-CN-02-0283.

- A. The Respondent failed to submit a report showing the calculated VOC emissions on the basis of throughput from the Fixed Roof Tank (FRT) for the 2000 calendar year. This is a violation of Part 70 Specific Condition Number 1 of Air Permit Number 2240-00304-V0, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act.
- B. The Respondent failed to submit a report showing the calculated VOC and other toxic emissions on the basis of throughput from the FRT for the 2000 calendar year. This is a violation of Part 70 Specific Condition Number 2 of Air Permit Number 2240-00304-V0, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act.
- C. The Respondent failed to submit a report showing the individual and overall air toxic pollutants for the 2000 calendar year; This is a violation of Part 70 Specific Condition Number 3 of Air Permit Number 2240-00304-V0, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act.
- D. The Respondent failed to submit a report for each tank showing the emission point of tank, capacity of tank, type of roof, product stored, duration of the storage of that

product, vapor pressure of that product, and type of control used for the 2000 calendar year. This is a violation of Part 70 Specific Condition Number 4 of Air Permit Number 2240-00304-V0, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act.

- E. The Respondent failed to submit a report showing the calculated VOC and other toxic emissions from all sources at the facility for the 2000 calendar year. This is a violation of Part 70 Specific Condition Number 5 of Air Permit Number 2240-00304-V0, LAC 33:501.C.4, and Section 2057(A)(2) of the Act.
- F. The Respondent failed to submit a report listing the total emissions of TAPs, speciated by pollutant, for each month and for each twelve consecutive month period of the 2000 calendar year. This is a violation of State Only Specific Condition Number 1 of Air Permit Number 2240-00304-V0, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act.
- G. The Respondent failed to submit the semiannual monitoring reports for the periods encompassing July through December 2000 and January through June 2001. Each failure to submit is a violation of Part 70 General Condition K of Air Permit Number 2240-00304-V0, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act.
- H. The Respondent failed to submit the annual compliance certification for the 2000 calendar year. This is a violation of Part 70 General Condition M of Air Permit Number 2240-00304-V0, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act.
- I. The Respondent failed to submit prompt reports of all permit deviations to the Office of Environmental Compliance, Surveillance Division as required for the 2000 calendar year. Each failure to submit is a violation of General Condition R of Air Permit Number 2240-00304-V0, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act.
- J. The Respondent failed to submit semiannual reports of progress outlining the status of construction, noting any design changes, modifications or alterations in the construction schedule which may have an effect on the emission rates or ambient air quality levels for the period encompassing January through June 2001 as required. This

is a violation of General Condition V of Air Permit Number 2240-00304-V0, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act.

- K. The Respondent failed to submit a report showing the calculated VOC emissions on the basis of throughput from the FRT for the 2001 calendar year by February 15, 2002. This is a violation of Part 70 Specific Condition Number 1 of Air Permit Number 2240-00304-V1, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act.
- L. The Respondent failed to submit a report showing the calculated VOC and other toxic emissions on the basis of throughput from the FRT for the 2001 calendar year by February 15, 2002. This is a violation of Part 70 Specific Condition Number 2 of Air Permit Number 2240-00304-V1, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act.
- M. The Respondent failed to submit a report showing the individual and overall air toxic pollutants for the 2001 calendar year by February 15, 2002. This is a violation of Part 70 Specific Condition Number 3 of Air Permit Number 2240-00304-V1, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act.
- N. The Respondent failed to submit the report for each tank showing the emission point of tank, capacity of tank, type of roof, product stored, duration of the storage of that product, vapor pressure of that product, and type of control used for the 2001 calendar year by February 15, 2002. This is a violation of Part 70 Specific Condition Number 4 of Air Permit Number 2240-00304-V1, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act.
- O. The Respondent failed to submit a report showing the calculated VOC and other toxic emissions from all sources at the facility for the 2001 calendar year by February 15, 2002. This is a violation of Part 70 Specific Condition Number 5 of Air Permit Number 2240-00304-V1, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act.
- P. The Respondent failed to submit a report listing the total emissions of TAPs, speciated by pollutant, for each month and for each twelve consecutive month period of the 2001 calendar year by February 15, 2002. This is a violation of State Only Specific Condition Number 1 of Air Permit

Number 2240-00304-V1, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act.

- Q. The Respondent failed to submit the semiannual monitoring reports for the period encompassing July through December 2001 and January through June 2002. Each failure to submit is a violation of Part 70 General Condition K of Air Permit Number 2240-00304-V1, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act.
- R. The Respondent failed to submit the annual compliance certification for the 2001 calendar year. This is a violation of Part 70 General Condition M of Air Permit Number 2240-00304-V1, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act.
- S. The Respondent failed to submit prompt reports of all permit deviations to the Office of Environmental Compliance, Surveillance Division as required for the 2001 and 2002 calendar years. Each failure to submit is a violation of General Condition R of Air Permit Number 2240-00304-V1, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act.
- T. The Respondent failed to submit semiannual reports of progress outlining the status of construction, noting any design changes, modification or alterations in the construction schedule which may have an effect on the emission rates or ambient air quality levels for the periods encompassing July through December 2001 and January through June 2002 as required. Each failure to submit is a violation of General Condition V of Air Permit Number 2240-00304-V1, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act.
- U. The Respondent failed to notify the Department of Environmental Quality, Office of Environmental Services, Permits Division within ten (10) calendar days from the date that construction is certified as complete and the estimated date of start-up of operation as required for the emission points listed in Table 1. This is a violation of General Condition VI of Air Permit Number 2240-00304-V1, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act.

Table 1

Source Type	Emission Point No.
Fixed Roof Tank	8-1

Fixed Roof Tank	8-2
Fixed Roof Tank	8-3
Fixed Roof Tank	8-4
Fixed Roof Tank	8-5
Fixed Roof Tank	8-6
Fixed Roof Tank	8-7
Fixed Roof Tank	8-8
Fixed Roof Tank	12.5-1
Fixed Roof Tank	12.5-1
Fixed Roof Tank	12.5-2
Fixed Roof Tank	12.5-3
Fixed Roof Tank	12.5-4
Fixed Roof Tank	12.5-5
Fixed Roof Tank	12.5-6
Fixed Roof Tank	15-1
Fixed Roof Tank	15-3
Fixed Roof Tank	15-4
Fixed Roof Tank	15-5
Fixed Roof Tank	15-6
Fixed Roof Tank	15-7
Fixed Roof Tank	15-8
Fixed Roof Tank	15-9
Fixed Roof Tank	15-10
Fixed Roof Tank	15-11
Fixed Roof Tank	15-12
Fixed Roof Tank	15-13
Fixed Roof Tank	15-14
Fixed Roof Tank	50-1
Fixed Roof Tank	50-2
Fixed Roof Tank	50-3
Fixed Roof Tank	50-4
Fixed Roof Tank	50-5
Fixed Roof Tank	50-7
Fixed Roof Tank	50-9
Fixed Roof Tank	50-10
Wastewater Tank	BQ-1
Wastewater Tank	BQ-2
Land Flare	F-1
Marine Flare	F-2
Boiler No. 1	B-1
Boiler No. 2	B-2
Boiler No. 3	B-3
Marine Dock No. 3	M-3
Marine Dock No. 4	M-4
Truck Loading Area No. 1	T-1
Truck Loading Area No. 2	T-2
Truck Loading Area No. 5	T-5
Railcar Loading Area No. 1	R-1
Railcar Loading Area No. 3	R-3

- V. The Respondent failed to furnish the Department notification of the date construction commenced postmarked no later than thirty (3) days after such date for Fixed Roof Tank, Emission Point No. 50-9. This is a violation of 40 CFR 60.7(a)(1) which language has been adopted as a Louisiana regulation in LAC 33:III.3003 and Section 2057(A)(2) of the Act.

- W. The Respondent failed to furnish the Department notification of the actual date of initial startup postmarked within fifteen (15) days after such date for of Fixed Roof Tank, Emission Point No. 50-0. This is a violation of 40 CFR 60.7(a)(3) which language has been adopted as a Louisiana Regulation in LAC 33:III3003 and Section 2057(A)(2) of the Act.
- X. The Respondent failed to submit notification of the date of construction, anticipated startup, and actual startup for the boilers, Emission Point Nos. B-1, B-2, and B-3, as provided by Section 60.7 of 40 CFR Part 60. Each failure to submit notification is a violation of 40 CFR 60. Each failure to submit notification is a violation of 40 CFR 60.48c(a) which language has been adopted as a Louisiana regulation in LAC 33:III.3003 and Section 2057(A)(2) of the Act.
- Y. The Respondent failed to notify the Department in writing prior to the filling or refilling of Fixed Roof Tank, Emission Point No. 50-9. This is a violation of 40 CFR 60.113b(a)(5) which language has been adopted as a Louisiana regulation in LAC 33:III.3003 and Section 2057(A)(2) of the Act.
- Z. The Respondent failed to furnish the Department with a report that describes the control equipment and certifies that the control equipment meets the specifications of Sections 60.112b(a)(1) and 60.113b(a)(1) of 40 CFR Part 60 for Fixed Roof Tank, Emission Point 50-9. This is a violation of 40 CFR 60.115b(a)(1) which language has been adopted as a Louisiana regulation in LAC 33:III.3003 and Section 2057(A)(2) of the Act.

III.

On or about April 10, 2003, Respondent met with the Department to report that its internal review had identified certain deviations from the requirements of Louisiana Pollutant Discharge Elimination System (“LPDES”) Permit LA0114405, issued on June 1, 2001. The Department conducted a file review on or about May 21, 2003. On July 3, 2003, the Department issued Consolidated Compliance Order and Notice of Potential Penalty, Enforcement Tracking No. AE-CN-03-0352.

The following were noted during the course of the Department's file review and/or the Department's investigation of Respondent's report, and were set forth in CCO-NOPP No. WE-CN-03-0352:

Permit Exceedences:

Monitoring Period	Date Due	Date Submitted	Days Late
Jun-01	July 28, 2001	May 16, 2003	657
Jul-01	October 28, 2001	May 16, 2003	565
Aug-01	October 28, 2001	May 16, 2003	565
Sep-01	October 28, 2001	May 16, 2003	565
Oct-01	January 28, 2002	May 16, 2003	473
Nov-01	January 28, 2002	May 16, 2003	473
Dec-01	January 28, 2002	May 16, 2003	473
Jan-02	April 28, 2002	May 16, 2003	383
Feb-02	April 28, 2002	May 16, 2003	383
Mar-02	April 28, 2002	May 16, 2003	383
Apr-02	July 28, 2002	May 16, 2003	292
May-02	July 28, 2002	May 16, 2003	292
Jun-02	July 28, 2002	May 16, 2003	292
Jul-02	October 28, 2002	May 16, 2003	200
Aug-02	October 28, 2002	May 16, 2003	200
Sep-02	October 28, 2002	May 16, 2003	200
Oct-02	January 28, 2003	May 16, 2003	108
Nov-02	January 28, 2003	May 16, 2003	108
Dec-02	January 28, 2003	May 16, 2003	108

Each failure to timely submit DMRs is a violation of LPDES permit LA0114405 (Part II, Section M and Part III, Sections A.2 and D.4), La. R.S. 30.2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, LAC 33:IX.2355.L.4, and LAC 33:IX.2767.A.5.

A file review conducted by the Department on or about May 21, 2003, revealed the following permit exceedances for the monitoring periods June 2001 through March 2003, as reported to the Department by the Respondent:

Date	Outfall	Parameter	Permit Limit	Reported Value
Jul-2001	003	BOD	22 mg/L (monthly avg)	24 mg/L
Jul-2001	003	TSS	26 mg/L (monthly avg)	228 mg/L
Jul-2001	003	TSS	58 mg/L (daily max)	228 mg/L
Aug-2001	003	TSS	26 mg/L (monthly avg)	293.5 mg/L

Aug-2001	003	TSS	58 mg/L (daily max)	565 mg /L
Sep-2001	001	BOD	22 mg/L (monthly avg)	63.5 mg/L
Sep-2001	001	BOD	56 mg/L (daily max)	112 mg/L
Sep-2001	001	TSS	26 mg/L (monthly avg)	346 mg/L
Sep-2001	001	TSS	58 mg/L (daily max)	584 mg/L
Sep-2001	001	O&G	8.8 mg/L (monthly avg)	28.1 mg/L
Sep-2001	001	O&G	20 mg/L (daily max)	32.4 mg/L
Sep-2001	001	Fecal Coliform	200 col/100 mL (monthly avg)	>60,000 col/100mL
Sep-2001	001	Fecal Coliform	400 col/100 mL (daily max)	>60,000 col/100mL
Apr-2002	001	BOD	22 mg/L (monthly avg)	33.25 mg/L
Apr-2002	001	Nickel	0.58 mg/L (daily max)	0.663 mg/L
Apr- 2002	002	TSS	26 mg/L (monthly avg)	38 mg/L
Apr-2002	004	TSS	26 mg/L (monthly avg)	112 mg/L
Apr-2002	004	TSS	58mg/L (daily max)	1120mg/L
May-2002	002	TSS	26 mg/L (monthly avg)	62 mg/L
May-2002	002	TSS	58 mg/L (daily max)	62 mg/L
May-2002	003	BOD	22 mg/L (monthly avg)	39 mg/L
May-2002	003	COD	125 mg/L (monthly avg)	158 mg/L
Sep-2002	003	TSS	26 mg/L (monthly avg)	55 mg/L
Sep-2002	003	TSS	58 mg/L (daily max)	102 mg/L
Sep-2002	004	TSS	26 mg/l (monthly avg)	42 mg/L
Nov-2002	001	Fecal Coliform	200 col/100 mL (monthly avg)	>20,000 mg/L
Nov-2002	001	Fecal Coliform	400 col/100 mL (daily max)	>60,000 mg/L
Dec-2002	002	TSS	26 mg/L (monthly avg)	358 mg/L
Dec-2002	002	TSS	58 mg/L (daily max)	358 mg/L
Dec-2002	003	TSS	26 mg/L (monthly avg)	100 mg/L
Dec-2002	003	TSS	58 mg/L (daily max)	100 mg/L
Jan-2003	001	BOD	22 mg/L (monthly avg)	27 mg/L

Jan-2003	001	TSS	26 mg/L (daily max)	52 mg/L
Jan-2003	002	TSS	26 mg/L (monthly avg)	39 mg/L
Jan-2003	004	TSS	26 mg/L (monthly avg)	150 mg/L
Jan-2003	004	TSS	58 mg/L (daily max)	150 mg/L
Feb-2003	003	TSS	26 mg/L (monthly avg)	38 mg/L
Feb-2003	004	TSS	26 mg/L (monthly avg)	30 mg/L
Mar-2003	004	TSS	58 mg/L (daily max)	120 mg/L
Mar-2003	004	TSS	26 mg/L (daily max)	120 mg/L

Each exceedance is a violation of LPDES permit LA0114405 (Part I, Part II, Section J and Part III, Section A.2, La. R.S. 30:2076 (A)(1)(b), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.501.D, LAC 33:IX.2355.A, and LAC 33:IX.2767.A.5.

A file review conducted by the Department on or about May 21, 2003, revealed that the Respondent failed to sample for the parameters listed in Appendix A (attached hereto). Each failure to sample the effluent for the parameters listed in Appendix A is a violation of LPDES permit LA0114405 (Part I, Part II, Section J, and Part III, Section A.2), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2767.A.5.

IV.

Subsequent to internal and third-party audits conducted by and/or on behalf of Respondent, Respondent submitted quarterly deviation reports, amended semi-annual monitoring reports, and amended annual certifications required by Air Permits Nos. No. 2240-00304-V0 and V1 for all periods from July 2000 through December 2002. Respondent met with the Department to discuss these deviation reports and amended reports on or about August 13, 2003. Subsequently, the Department conducted a file review to determine compliance with the Louisiana Environmental Quality Act (the Act) and Air Quality Regulations.

The following were noted in the Department's file review and in its review of Respondent's deviation reports and amended reports:

- A. According to the Respondent's July through December 2000 semiannual monitoring report, 2000 annual compliance certification, January through June 2001 and July through December 2001 semiannual monitoring reports, and 2001 annual compliance certification, each dated May 30, 2003, the Respondent failed to notify the Administrator within thirty (30) days after the date that construction or reconstruction began for several tanks (Emission Sources 8-1, 8-2, 8-3, 8-4, 8-6, 8-7, 8-8, 12.5-3, 12.5-4, 15-7, 15-8, 15-10, 15-12, 15-13, and 15-14). The Respondent reported in the July through December 2000 semiannual monitoring report and 2000 annual compliance certification that the notification of the date that construction began was not submitted within thirty (30) days of such date for Emission Sources 12.5-1, 12.5-2, 15-9, 15-11, and 50-10 (storage tanks). The Respondent reported in the July through December 2002 semiannual monitoring report and 2002 annual compliance certification, each dated March 28, 2003, and the January through June 2003 semiannual monitoring report dated September 30, 2003, that the notification of the date that construction began was not submitted within thirty (30) days of such date for three other tanks, Emission Sources 8-5, 12.5-5, and 12.5-6. The Respondent also reported in the January through June 2003 semiannual monitoring report that the notification of the date that construction began was not submitted within thirty (30) days of such date for Emission Source FUG-8. Each failure to submit notification of the date construction began within thirty (30) days of such date is a violation of 40 CFR 60.7(a)(1) which language has been adopted as a Louisiana regulation in LAC 33:III.3003 and Section 2057(A)(2) of the Act. The Respondent submitted the notifications to the Department in a letter dated September 30, 2003.
- B. According to the Respondent's July through December 2000 semiannual monitoring report, 2000 annual compliance certification, January through June 2001 and July through December 2001 semiannual monitoring reports, and 2001 annual compliance certification, each dated May 30, 2003, the Respondent failed to notify the Department within five (5) days after the date of initial startup of several tanks (Emission Sources 8-1, 8-2, 8-3, 8-4, 8-6, 8-7, 8-8, 12.5-3, 12.5-4, 15-7, 15-8, 15-10, 15-12, 15-13, and 15-14). The Respondent also reported in the January through June 2000 semiannual monitoring report and 2000 annual compliance certification that the notification of the date of initial startup was not submitted within fifteen (15) days of such date for several other tanks, Emission Sources 12.5-1, 12.5-2, 15-9, 15-11, and 50-10. The Respondent reported in the July through December 2002 semiannual monitoring report and 2002

annual compliance certification, each dated March 28, 2003, and the January through June 2003 semiannual monitoring report dated September 30, 2003, that the notification of the date of initial startup was not submitted within fifteen (15) days of such date for three other tanks, Emission Sources 8-5, 12.5-5, and 12.5-6. The Respondent also reported in the January through June 2003 semiannual monitoring report that the notification of the date of initial startup was not submitted within fifteen (15) days of such date for Emission Source FUG-8. Each failure to submit notification of the date of initial startup within fifteen (15) days of such date is a violation of 40 CFR 60.7(a)(3) which language has been adopted as a Louisiana regulation in LAC 33:III.3003 and Section 2057(A)(2) of the Act. The Respondent submitted the notifications to the Department in a letter dated September 30, 2003.

- C. According to the Respondent's January through June 2001 and July through December 2001 semiannual monitoring reports, 2001 annual compliance certification, each dated May 30, 2003, and the Respondent's 2002 annual compliance certification dated March 28, 2003, the Respondent failed to submit the data for the 2000 and 2001 calendar year emission reports to the Department by March 31, 2001, and March 31, 2002, respectively. Each late submittal is a violation of LAC 33:III.918 and Section 2057(A)(2) of the Act. The Respondent submitted the data for the 2000 calendar year to the Department on May 30, 2003, and submitted revised data for the 2001 calendar year to the Department on October 16, 2003.
- D. According to the Respondent's 2001 annual compliance certification dated May 30, 2003, intermittent compliance with 40 CFR 60.48c(g) was reported for the boilers, Emission Sources B-1, B-2, and B-3. The Respondent also reported on the January through June 2003 semiannual monitoring report dated September 30, 2003, the Respondent failed to record and maintain records of the amounts of each fuel combusted during each day for each of the boilers. Each failure to record and maintain records of the daily fuel usage is a violation of 40 CFR 60.48c(g) which language has been adopted as a Louisiana regulation in LAC 33:III.3003 and Section 2057(A)(2) of the Act. Natural gas meters were installed on each of the three boilers on May 21, 2003 and daily records were begun on June 1, 2003.
- E. According to the Respondent's 2001 annual compliance certification dated May 30, 2003, and July through December 2002 semiannual monitoring report and 2002 annual compliance certification, each dated March 28, 2003, the Respondent failed to notify the Department no later than thirty (30) days prior to the anticipated date of initial startup for the following sources: Emission Sources 12.5-1, 12.5-2, 15-9, 15-11, 50-9, and 50-10 (storage tanks); Emission Sources FUG-2, FUG-3, FUG-4, and FUG-5 (tank farm fugitives,); Emission Sources T-1, T-2, and T-5 (truck loading

areas); Emission Sources R-1 and R-3 (railcar loading areas); and Emission Sources M-3 and M-4 (marine docks). According to the Respondent's July through December 2002 semiannual monitoring report and 2002 annual compliance certification, each dated March 28, 2003, the Respondent also failed to notify the Department within thirty (30) days prior to the anticipated date of initial startup of Emission Sources 8-1, 8-2, 8-3, 8-4, 8-6, 8-7, 8-8, 12.5-1, 12.5-3, 12.5-4, 15-7, 15-8, 15-10, 15-12, 15-13, and 15-14 (tanks). The Respondent reported in the January through June 2003 semiannual monitoring report dated September 30, 2003, that the notification within thirty (30) days prior to the anticipated date of initial start-up of Emission Sources 8-5, 12.5-5, 12.5-6, and FUG-8 was not submitted. Each failure to submit the notification of the date of anticipated startup is a violation of 40 CFR 61.09(a)(1) which language has been adopted as a Louisiana regulation in LAC 33:III.5116 and Section 2057(A)(2) of the Act. The Respondent submitted the notifications to the Department in a letter dated September 30, 2003.

- F. According to the Respondent's 2001 annual compliance certification dated May 30, 2003 and July through December 2002 semiannual monitoring report and 2002 annual compliance certification, each dated March 28, 2003, the Respondent failed to notify the Department of the actual date of initial startup for several tanks, Emission Sources 12.5-1, 12.5-2, 15-9, 15-11, 50-9, and 50-10; tank farm fugitives, Emission Sources FUG-2, FUG-3, FUG-4, and FUG-5; truck loading areas, Emission Sources T-1, T-2, and T-5; railcar loading areas, Emission Sources R-1 and R-3; and marine docks, Emission Sources M-3 and M-4, no later than fifteen (15) days after such date. According to the Respondent's July through December 2002 semiannual monitoring report and 2002 annual compliance certification, each dated March 28, 2003, the Respondent also failed to notify the Department of the actual date of initial startup for several other tanks, Emission Sources 8-1, 8-2, 8-3, 8-4, 8-6, 8-7, 8-8, 12.5-1, 12.5-3, 12.5-4, 15-7, 15-8, 15-10, 15-12, 15-13, 15-14, no later than fifteen (15) days after such date. The Respondent reported in the January through June 2003 semiannual monitoring report dated September 30, 2003, that the notification of the actual date of initial startup for Emission Sources 8-5, 12.5-5, 12.5-6, and FUG-8, was not submitted no later than fifteen (15) days after such date. Each failure to submit the notification of the date of actual startup is a violation of 40 CFR 61.09(a)(2) which language has been adopted as a Louisiana regulation in LAC 33:III.5116 and Section 2057(A)(2) of the Act. The Respondent submitted the notifications to the Department in a letter dated September 30, 2003.
- G. According to the Respondent's July through December 2002 semiannual monitoring report dated March 28, 2003, cyclohexylamine and 1,2,3-trichlorobenzene were loaded at the facility in 2002, but were not included in the operating permit's approved list of chemicals. Supplemental

information relating to the handling of these materials was submitted to the Department in letters dated October 31, 2003, and December 1, 2003. According to this information, cyclohexylamine was handled on eight occasions from February through September 2002 in quantities ranging from 85,660 pounds to 342,400 pounds. The facility loaded 934,250 pounds of 1.2.3-trichlorobenzene in a single movement from railcar to vessel that occurred on March 20, 2002. Each handling of cyclohexylamine and 1.2.3-trichlorobenzene is a violation of General Condition II of Title V Permit No. 2240-00304-V1, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act. A Letter of No Objection was issued to the Respondent on May 7, 2003, regarding the handling of cyclohexylamine. The Respondent discontinued the handling of 1.2.3-trichlorobenzene.

- H. According to the Respondent's July through December 2002 semiannual monitoring report dated March 28, 2003, and revised 2002 annual compliance certification, dated May 30, 2003, the Respondent operated without a Risk Management Plan for the handling of cyclohexylamine. According to the Respondent's letter dated October 31, 2003, 1,545,780 pounds of cyclohexylamine were loaded at the facility in 2002. In a letter dated December 1, 2003, the Respondent provided the following information regarding the transfer of cyclohexylamine at the facility:

Date	Quantity Loaded (pounds)
February 13, 2002	171,160
April 23, 2002	342,400
June 28, 2002	171,560
August 20, 2002	172,280
August 21, 2002	172,560
September 9, 2002	171,240
September 19, 2002	258,920
September 23, 2002	85,660

On February 13, 2002, the amount of cyclohexylamine exceeded the threshold quantity for applicability of LAC 33:III.Chapter 59 and 40 CFR 68 Regulations, thus requiring registration with the state and the submittal of a Risk Management Plan (RMP), respectively. Once subject to the Regulations, each day that the Respondent operated without a RMP for the handling of cyclohexylamine, is a violation of Table 2 of Title V Permit No. 2240-00304-V1 which requires the Respondent to comply with 40 CFR Part 68. Each is also a violation of LAC 33:III.501.C.4 and Section 2057(A)(2) of the Act. According to the Respondent's letter, the Respondent has since completed all Chemical Accident Prevention registration and Risk Management Planning activities prior to resuming

the handling of cyclohexylamine at the facility. The most recent Risk Management Plan submittal including cyclohexylamine was received by the United States Environmental Protection Agency postmarked May 9, 2003.

- I. According to the Respondent's July through December 2002 semiannual monitoring report dated March 28, 2003, and the revised 2002 annual compliance certification dated May 30, 2003, the Respondent failed to notify the Department's Office of Environmental Services-Permits Division within ten (10) calendar days from the date that construction was certified complete and from the estimated date of start-up of operation of: tanks (Emission Sources 15-2, 50-6, and 50-8), tank farm fugitives (Emission Sources FUG-1, FUG-2, FUG-3, FUG-4, and FUG-5), and wastewater tanks (Emission Sources EQ-1 and EQ-2). According to the Respondent's January through June 2003 semiannual monitoring report dated September 30, 2003, the Respondent failed to notify the Department's Office of Environmental Services-Permits Division within ten (10) calendar days from the date that construction was certified as complete and from the estimated date of start-up of operation as required for Emission Source FUG-8. Each failure to notify is a violation of General Condition VI of Title V Permit Nos. 2240-00304-V0 and 2240-00304-V1, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act. The Respondent submitted the notifications to the Department in a letter dated September 30, 2003.

V.

On or about May 27, May 29, and June 24, 2003, inspections were performed by the Department to determine Respondent's degree of compliance with Louisiana Environmental Quality Act and the Air Quality Regulations. On September 5, 2003, the Department issued a Notice of Corrected Violation, Enforcement Tracking No. RMPE-03-0027.

The following were noted:

- A. The Respondent failed to implement procedures to maintain the on-going mechanical integrity of the process equipment in violation of 40 CFR 68.56(a) and La. R.S. 30:2057(A)(2).
- B. The Respondent failed to demonstrate that hazard review recommendations are resolved in a timely manner, in violation of 40 CFR 68.50(c) and La. R.S. 30:2057(A)(2).

- C. The Respondent failed to provide documentation for resolution of action items from the June 2001 compliance audit, in violation of 40 CFR 68.58(d) and La. R.S. 30:2057(A)(2).

VI.

On or about January 10, 2003, Respondent notified Department verbally of a caustic spill onto Respondent's property on December 31, 2002. Respondent provided written notification of the spill on January 13, 2003 and Department received that written notification on January 22, 2003. The Department conducted an inspection on or about January 13, 2003 at the Facility. On or about June 10, 2003, Department issued a Warning Letter to Respondent, Enforcement Tracking No. HE-L-03-0104. In its Warning Letter, the Department informed Respondent that areas of concern had been forwarded to its Enforcement Division.

The following were noted in the Department's investigation:

- A. Respondent failed to verbally notify LDEQ within 24 hours after learning of the discharge. This is an area of concern per LAC 33:I.3917.A.
- B. Respondent failed to submit written notification of the discharge within seven calendar days. This is an area of concern per LAC 33:I.3925.A.
- C. Respondent failed to properly operate and maintain all systems of treatment and control, which are installed to achieve compliance. This is an area of concern per LAC 33:IX.2355.

VII.

Respondent neither admits nor denies the findings stated herein. Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of ONE HUNDRED THIRTEEN THOUSAND, SEVEN HUNDRED SEVENTY-FIVE AND 50/100 DOLLARS, (\$113,775.50) of which THREE THOUSAND, THREE HUNDRED SEVENTY-SIX AND 66/100 (\$3,376.66) represent DEQ's enforcement costs, in full and final settlement of the claims set forth in the

Compliance Orders & Notices of Potential Penalty, the Notice of Corrective Violations, or otherwise set forth in this agreement. The total amount of money expended by Respondent on cash payments to DEQ as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(l).

VIII.

Respondent further agrees to implement an environmental management system designed to ensure compliance with all environmental permits, licenses, and approvals, and to prevent the reoccurrence of the deficiencies described herein.

IX.

Respondent further agrees that the Department may consider the Consolidated Compliance Orders and Notices of Potential Penalty and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action the Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the purpose of determining Respondent's compliance history.

X.

This Agreement shall be considered a final order of the secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this Agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

XI.

This settlement is being made in the interest of settling the state's claims set forth in the CCO-NOPP and in this Agreement and avoiding for both parties the expense and effort involved

in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in La. R.S. 30:2025(E) of the Act.

XII.

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Plaquemines Parish, Louisiana. The advertisement, in form, wording, and size approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted a proof-of-publication affidavit to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

XIII.

Payment is to be made within ten (10) days from receipt of notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Penalties are to be made payable to the Department of Environmental Quality and mailed to the attention of Darryl Serio, Office of Management and Finance, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303.

XIV.

In consideration of the above, all claims, including but not limited to administrative or civil penalties, costs, fees, or economic benefits of non-compliance penalties are hereby compromised and settled in accordance with the terms of this Settlement.

XV.

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his/her respective party, and to legally bind such party to its terms and conditions.

WITNESSES:

Pretchen Meyers

Connie L. St

RESPONDENT

BY: Ronald S. Luebbe
(Signature)

RONALD S Luebbe
(Printed)

TITLE: MGR ENGR & REG AFFAIRS

THUS DONE AND SIGNED in duplicate original before me this 6TH day of
February, 2004, in plaquemines, LA.



Cherie M. Silas
NOTARY PUBLIC

WITNESSES:

Mike Bud
H. Leggett

STATE OF LOUISIANA

Mike D. McDaniel, Ph.D., Secretary
Department of Environmental Quality

BY: Harold Leggett

Harold Leggett, Ph.D., Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 11 day of
May, 2004, in Baton Rouge, Louisiana.

Christopher A. Katchoff
NOTARY PUBLIC

Approved: R. Bruce Hammatt
R. Bruce Hammatt, Assistant Secretary



CHARLES C. FOTI, JR.
ATTORNEY GENERAL

State of Louisiana
DEPARTMENT OF JUSTICE
P.O. BOX 94005
BATON ROUGE
70804-9005

April 29, 2004

Mike D. McDaniel, Secretary
La. Department of Environmental Quality
Office of the Secretary
P.O. Box 4301
Baton Rouge, LA 70821-4301

Re: Review of DEQ Settlement;
Stolthaven New Orleans, LLC
AE-CN-02-0283, et al

Dear Secretary McDaniel:

Pursuant to the authority granted to me by R.S. 30:2050.7(E)(2)(a), I approve the above referenced settlement.

Sincerely,



NICHOLAS GACHASSIN
First Assistant Attorney General

NG/cbw

RECEIVED

MAY 10 2004

**LA Dept. of Environmental Quality
LEGAL DIVISION**

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Appendix A

Samples Not Collected (Revised)

Date	Outfall	Parameter	Permit Limit	Reported Value
Jul-01	003	Flow	Report (daily max)	No sample
Jul-01	003	Flow	Report (monthly avg)	No sample
Jul-01	005	Flow	Report (daily max)	No sample
Aug-01	003	Flow	Report (daily max)	No sample
Aug-01	003	Flow	Report (monthly avg)	No sample
Aug-01	005	Flow	Report (daily max)	No sample
Sep-01	001	Flow	Report (daily max)	No sample
Sep-01	001	Flow	Report (monthly avg)	No sample
Sep-01	001	Fluoranthene	0.076 mg/L (daily max)	No sample
Sep-01	001	Phenanthrene	0.34 mg/L (daily max)	No sample
Sep-01	001	Total Mercury	0.0013 mg/L (daily max)	No sample
Sep-01	001	Acrylonitrile	0.10 mg/L (daily max)	No sample
Sep-01	003	Flow	Report (daily max)	No sample
Sep-01	003	Flow	Report (monthly avg)	No sample
Sep-01	003	TSS	26 mg/L (daily avg)	No sample
Sep-01	003	TSS	58 mg/L (daily max)	No sample
Sep-01	003	BOD	22 mg/L (daily avg)	No sample
Sep-01	003	BOD	56 mg/L (daily max)	No sample
3rd quarter 2001	003	Flow	Report (daily max)	No sample
3rd quarter 2001	003	Flow	Report (monthly avg)	No sample
3rd quarter 2001	003	Fluoranthene	0.076 mg/L (daily max)	No sample
3rd quarter 2001	003	Phenanthrene	0.10 mg/L (daily max)	No sample
3rd quarter 2001	003	Total Cadmium	0.02 mg/L (daily max)	No sample
3rd quarter 2001	003	Total Chromium	0.42 mg/L (daily max)	No sample
3rd quarter 2001	003	Total Copper	0.10 mg/L (daily max)	No sample
3rd quarter 2001	003	Total Lead	0.14 mg/L (daily max)	No sample
3rd quarter 2001	003	Total Mercury	0.0013 mg/L (daily max)	No sample
3rd quarter 2001	003	Total Nickel	0.58 mg/L (daily max)	No sample
3rd quarter 2001	003	Total Zinc	8.3 mg/L (daily max)	No sample
Dec-01	005	Flow	Report (daily max)	No sample
Jan-02	001	Acrylonitrile	0.10 mg/L (daily max)	No sample
Jan-02	001	Fecal Coliform	200 col/100ml (monthly avg)	No sample
Jan-02	001	Fecal Coliform	400 col/100ml (daily max)	No sample
Jan-02	001	Flow	Report (daily max)	No sample
Jan-02	001	Flow	Report (monthly avg)	No sample
Jan-02	001	Fluoranthene	0.076 mg/L (daily max)	No sample
Jan-02	001	Phenanthrene	0.34 mg/L (daily max)	No sample
Jan-02	001	Total Cadmium	0.02 mg/L (daily max)	No sample
Jan-02	001	Total Chromium	0.42 mg/L (daily max)	No sample
Jan-02	001	Total Copper	0.10 mg/L (daily max)	No sample
Jan-02	001	Total Lead	0.14 mg/L (daily max)	No sample
Jan-02	001	Total Mercury	0.0013 mg/L (daily max)	No sample
Jan-02	001	Total Nickel	0.58 mg/L (daily max)	No sample
Jan-02	001	Total Zinc	8.3 mg/L (daily max)	No sample
Jan-02	005	Flow	Report (daily max)	No sample

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Samples Not Collected (Revised)

Feb-02	001	Acrylonitrile	0.10 mg/L (daily max)	No sample
Feb-02	001	Flow	Report (daily max)	No sample
Feb-02	001	Flow	Report (monthly avg)	No sample
Feb-02	001	Fluoranthene	0.076 mg/L (daily max)	No sample
Feb-02	001	Phenanthrene	0.34 mg/L (daily max)	No sample
Feb-02	001	Total Cadmium	0.02 mg/L (daily max)	No sample
Feb-02	001	Total Chromium	0.42 mg/L (daily max)	No sample
Feb-02	001	Total Copper	0.10 mg/L (daily max)	No sample
Feb-02	001	Total Lead	0.14 mg/L (daily max)	No sample
Feb-02	001	Total Mercury	0.0013 mg/L (daily max)	No sample
Feb-02	001	Total Nickel	0.58 mg/L (daily max)	No sample
Feb-02	001	Total Zinc	8.3 mg/L (daily max)	No sample
Mar-02	001	Acrylonitrile	0.10 mg/L (daily max)	No sample
Mar-02	001	Fluoranthene	0.076 mg/L (daily max)	No sample
Mar-02	001	Phenanthrene	0.34 mg/L (daily max)	No sample
Mar-02	001	Total Mercury	0.0013 mg/L (daily max)	No sample
Mar-02	005	Flow	Report (daily max)	No sample
Apr-02	002	Flow	Report (daily max)	No sample
Apr-02	002	Flow	Report (monthly avg)	No sample
Apr-02	003	Flow	Report (daily max)	No sample
Apr-02	003	Flow	Report (monthly avg)	No sample
Apr-02	004	Flow	Report (daily max)	No sample
Apr-02	004	Flow	Report (monthly avg)	No sample
Apr-02	005	Flow	Report (daily max)	No sample
May-02	002	Flow	Report (daily max)	No sample
May-02	002	Flow	Report (monthly avg)	No sample
May-02	003	Flow	Report (daily max)	No sample
May-02	003	Flow	Report (monthly avg)	No sample
May-02	004	Flow	Report (daily max)	No sample
May-02	004	Flow	Report (monthly avg)	No sample
May-02	005	Flow	Report (daily max)	No sample
Jun-02	001	Total Zinc	8.3 mg/L (daily max)	No sample
Jun-02	002	Flow	Report (daily max)	No sample
Jun-02	002	Flow	Report (monthly avg)	No sample
Jun-02	003	Flow	Report (daily max)	No sample
Jun-02	003	Flow	Report (monthly avg)	No sample
Jun-02	004	Flow	Report (daily max)	No sample
Jun-02	004	Flow	Report (monthly avg)	No sample
Jun-02	005	Flow	Report (daily max)	No sample
Jul-02	001	Acrylonitrile	0.10 mg/L (daily max)	No sample
Jul-02	002	Flow	Report (daily max)	No sample
Jul-02	002	Flow	Report (monthly avg)	No sample
Jul-02	003	Flow	Report (daily max)	No sample
Jul-02	003	Flow	Report (monthly avg)	No sample
Jul-02	004	Flow	Report (daily max)	No sample
Jul-02	004	Flow	Report (monthly avg)	No sample

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Samples Not Collected (Revised)

Jul-02	005	Flow	Report (daily max)	No sample
Aug-02	001	Acrylonitrile	0.10 mg/L (daily max)	No sample
Aug-02	001	Fluoranthene	0.076 mg/L (daily max)	No sample
Aug-02	001	Phenanthrene	0.34 mg/L (daily max)	No sample
Aug-02	001	Total Cadmium	0.02 mg/L (daily max)	No sample
Aug-02	001	Total Chromium	0.42 mg/L (daily max)	No sample
Aug-02	001	Total Copper	0.10 mg/L (daily max)	No sample
Aug-02	001	Total Lead	0.14 mg/L (daily max)	No sample
Aug-02	001	Total Mercury	0.0013 mg/L (daily max)	No sample
Aug-02	001	Total Nickel	0.58 mg/L (daily max)	No sample
Aug-02	001	Total Zinc	8.3 mg/L (daily max)	No sample
Aug-02	002	BOD	22 mg/L (monthly avg)	No sample
Aug-02	002	BOD	56 mg/L (daily max)	No sample
Aug-02	002	Flow	Report (daily max)	No sample
Aug-02	002	Flow	Report (monthly avg)	No sample
Aug-02	002	TSS	26 mg/L (monthly avg)	No sample
Aug-02	002	TSS	58 mg/L (daily max)	No sample
Aug-02	003	BOD	22 mg/L (monthly avg)	No sample
Aug-02	003	BOD	56 mg/L (daily max)	No sample
Aug-02	003	Flow	Report (daily max)	No sample
Aug-02	003	Flow	Report (monthly avg)	No sample
Aug-02	003	TSS	26 mg/L (monthly avg)	No sample
Aug-02	003	TSS	58 mg/L (daily max)	No sample
Aug-02	004	BOD	22 mg/L (monthly avg)	No sample
Aug-02	004	BOD	56 mg/L (daily max)	No sample
Aug-02	004	Flow	Report (daily max)	No sample
Aug-02	004	Flow	Report (monthly avg)	No sample
Aug-02	004	TSS	26 mg/L (monthly avg)	No sample
Aug-02	004	TSS	58 mg/L (daily max)	No sample
Sep-02	001	Acrylonitrile	0.10 mg/L (daily max)	No sample
Sep-02	001	Fluoranthene	0.076 mg/L (daily max)	No sample
Sep-02	001	Phenanthrene	0.34 mg/L (daily max)	No sample
Sep-02	001	Total Cadmium	0.02 mg/L (daily max)	No sample
Sep-02	001	Total Chromium	0.42 mg/L (daily max)	No sample
Sep-02	001	Total Copper	0.10 mg/L (daily max)	No sample
Sep-02	001	Total Lead	0.14 mg/L (daily max)	No sample
Sep-02	001	Total Mercury	0.0013 mg/L (daily max)	No sample
Sep-02	001	Total Nickel	0.58 mg/L (daily max)	No sample
Sep-02	001	Total Zinc	8.3 mg/L (daily max)	No sample
Sep-02	002	Flow	Report (daily max)	No sample
Sep-02	002	Flow	Report (monthly avg)	No sample
Sep-02	002	Fluoranthene	0.076 mg/L (daily max)	Sample Past Hold Time
Sep-02	002	Phenanthrene	0.10 mg/L (daily max)	Sample Past Hold Time
Sep-02	003	Flow	Report (daily max)	No sample
Sep-02	003	Flow	Report (monthly avg)	No sample
Sep-02	003	Fluoranthene	0.076 mg/L (daily max)	Sample Past Hold Time

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Samples Not Collected (Revised)

Sep-02	003	Phenanthrene	0.10 mg/L (daily max)	Sample Past Hold Time
Sep-02	004	BOD	22 mg/L (monthly avg)	Sample Past Hold Time
Sep-02	004	BOD	56 mg/L (daily max)	Sample Past Hold Time
Sep-02	004	Flow	Report (daily max)	No sample
Sep-02	004	Flow	Report (monthly avg)	No sample
Sep-02	004	Fluoranthene	0.076 mg/L (daily max)	Sample Past Hold Time
Sep-02	004	Phenanthrene	0.10 mg/L (daily max)	Sample Past Hold Time
Sep-02	004	TSS	26 mg/L (monthly avg)	Sample Past Hold Time
Sep-02	004	TSS	58 mg/L (daily max)	Sample Past Hold Time
Sep-02	005	Flow	Report (daily max)	No sample
Nov-02	002	Flow	Report (daily max)	No sample
Nov-02	002	Flow	Report (monthly avg)	No sample
Nov-02	003	Flow	Report (daily max)	No sample
Nov-02	003	Flow	Report (monthly avg)	No sample
Nov-02	004	Flow	Report (daily max)	No sample
Nov-02	004	Flow	Report (monthly avg)	No sample
Dec-02	002	Flow	Report (daily max)	No sample
Dec-02	002	Flow	Report (monthly avg)	No sample
Dec-02	003	Flow	Report (daily max)	No sample
Dec-02	003	Flow	Report (monthly avg)	No sample
Dec-02	004	Flow	Report (daily max)	No sample
Dec-02	004	Flow	Report (monthly avg)	No sample
4th quarter 2002	002	Total Cadmium	0.02 mg/L (daily max)	No sample
4th quarter 2002	002	Total Chromium	0.42 mg/L (daily max)	No sample
4th quarter 2002	002	Fluoranthene	0.076 mg/L (daily max)	No sample
4th quarter 2002	002	Phenanthrene	0.10 mg/L (daily max)	No sample
4th quarter 2002	002	Total Copper	0.10 mg/L (daily max)	No sample
4th quarter 2002	002	Total Lead	0.14 mg/L (daily max)	No sample
4th quarter 2002	002	Total Mercury	0.0013 mg/L (daily max)	No sample
4th quarter 2002	002	Total Nickel	0.58 mg/L (daily max)	No sample
4th quarter 2002	002	Total Zinc	8.3 mg/L (daily max)	No sample
4th quarter 2002	003	Total Cadmium	0.02 mg/L (daily max)	No sample
4th quarter 2002	003	Total Chromium	0.42 mg/L (daily max)	No sample
4th quarter 2002	003	Fluoranthene	0.076 mg/L (daily max)	No sample
4th quarter 2002	003	Phenanthrene	0.10 mg/L (daily max)	No sample
4th quarter 2002	003	Total Copper	0.10 mg/L (daily max)	No sample
4th quarter 2002	003	Total Lead	0.14 mg/L (daily max)	No sample
4th quarter 2002	003	Total Mercury	0.0013 mg/L (daily max)	No sample
4th quarter 2002	003	Total Nickel	0.58 mg/L (daily max)	No sample
4th quarter 2002	003	Total Zinc	8.3 mg/L (daily max)	No sample
4th quarter 2002	004	Total Cadmium	0.02 mg/L (daily max)	No sample
4th quarter 2002	004	Total Chromium	0.42 mg/L (daily max)	No sample
4th quarter 2002	004	Fluoranthene	0.076 mg/L (daily max)	No sample
4th quarter 2002	004	Phenanthrene	0.10 mg/L (daily max)	No sample
4th quarter 2002	004	Total Copper	0.10 mg/L (daily max)	No sample
4th quarter 2002	004	Total Lead	0.14 mg/L (daily max)	No sample

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Samples Not Collected (Revised)

4th quarter 2002	004	Total Mercury	0.0013 mg/L (daily max)	No sample
4th quarter 2002	004	Total Nickel	0.58 mg/L (daily max)	No sample
4th quarter 2002	004	Total Zinc	8.3 mg/L (daily max)	No sample
Mar-03	002	Flow	Report (daily max)	No sample
Mar-03	002	Flow	Report (monthly avg)	No sample
Mar-03	003	Flow	Report (daily max)	No sample
Mar-03	003	Flow	Report (monthly avg)	No sample
Mar-03	004	Flow	Report (daily max)	No sample
Mar-03	004	Flow	Report (monthly avg)	No sample